



CrI.O.P.No.28089 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 133, 351(3) and 105 of BNS in Crime No.809 of 2024, seeks anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties.

3.The case of the prosecution as per the de facto complainant is that he was engaged in textile business and had borrowed money from several people, including A1/Sivakumar, S/o.Kuppusamy. On 30.09.2024, while the de facto complainant's father was at home, the said Sivakumar along with his father Kuppusamy and his wife/Revathy and other relatives, visited the de facto complainant's home, assaulted his father and threatened him with dire consequences. As a result, the de facto complainant's father became bed ridden, subsequently on 07.10.2024, he fainted, fell down and was admitted in the Mundiampakkam Government Medical College Hospital. He was later transferred to Rajivgandhi Government Medical College Hospital. Based on the complaint given by the de facto complainant a case in Cr.No.809 of 2024 was



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registered for the offence under Sections 296(b), 115(2), 118(1), 133, 351(3),

while so the injured viz., Perumal died on 15.10.2024 at the hospital.

Thereafter, the case was altered to one under Sections 296(b), 115(2), 118(1), 133, 351(3) and 105 of BNS. Hence the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and is no way connected with the offences as alleged by the prosecution. He further submitted that the de facto complainant had borrowed money from the first accused and refused to repay it, when the first accused demanded repayment, the de facto complainant falsely implicated the petitioner's entire family in this case out of vengeance. He further submitted that the petitioner is ready and willing to abide by any conditions that may be imposed on her.

5.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioner submitted that the deceased is the father of the de facto complainant and there are three accused persons involved this case and the present petitioner is the brother of the first accused. He further submitted that due to a money dispute between the de facto complainant and the first accused, the accused persons have assaulted the de facto complainant's father, following



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the incident, the de facto complainant's father became bedridden and a few days later, he fell down and succumbed to his injuries later in the hospital. He further submitted that the petitioner is still absconding.

6.Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either sides and on perusing the FIR and alteration report, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Villupuram on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police everyday



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at 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

13.11.2024

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Dated: 13.11.2024